

REMARKS

I. Introduction

Claims 11 to 13, 17 to 22 and 24 to 27 are pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 11 to 13, 20 to 22, 24 and 27 Under 35 U.S.C. § 102(e)

Claims 11 to 13, 20 to 22, 24 and 27 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,321,469. It is respectfully submitted that U.S. Patent No. 6,321,469 does not qualify as prior art, and therefore, cannot be used in a rejection against any claim of the present application for the following reasons.

U.S. Patent No. 6,321,469 entered the national stage on December 8, 1999 based on PCT International Application No. PCT/FR99/00895 having an international filing date of April 16, 1999, and claims foreign priority to Application No. 98 05216, filed in the France on April 21, 1998. The §102(e) date of U.S. Patent No. 6,321,469 is **December 8, 1999**.

The present application was filed on October 25, 2001 and claims priority to German Application No. 199 04 887.8, filed on **February 6, 1999**. A claim of priority to German Application No. 199 04 887.8 was made, *inter alia*, in the "Declaration and Power of Attorney," filed on October 25, 2001, and a copy of the certified copy of German Application No. 199 04 887.8 is indicated as having been received by the United States Patent and Trademark Office in, *inter alia*, the Office Action Summary page of the present Office Action. A certified translation of German Application No. 199 04 887.8 is enclosed herewith.

Since the filing date of **February 6, 1999** of German Application No. 199 04 887.8, from which the present application claims priority, **predates the December 8, 1999** §102(e) date of U.S. Patent No. 6,321,469, it is respectfully submitted that U.S. Patent No. 6,321,469 does not constitute prior art against the present application. Therefore, withdrawal of the 35 U.S.C. § 102(e) rejection is respectfully requested.

III. Rejection of Claims 17, 19 and 25 Under 35 U.S.C. § 103(a)

Claims 17, 19 and 25 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 6,321,469 and U.S. Patent No. 5,024,007. As indicated above, U.S. Patent No. 6,321,469 does not constitute prior art against the present application. Therefore, withdrawal of this rejection is respectfully requested.

IV. Rejection of Claims 18 and 26 Under 35 U.S.C. § 103(a)

Claims 18 and 26 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 6,321,469, U.S. Patent No. 5,024,007 and U.S. Patent No. 4,501,077. As indicated above, U.S. Patent No. 6,321,469 does not constitute prior art against the present application. Therefore, withdrawal of this rejection is respectfully requested.


V. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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